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SUBSTANCES

Ms. Elizabeth Watson
Manager: Cresols Panel
Chemical Manufacturers Association
1300 Wilson Boulevard
Arlington, VA 22209

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RE: ECA Proposal for Alternative HAPs Testing of Cresols

Dear Ms. Watson:

Thank you for your April 3, 1998 supplement of your April 9, 1997 ECA proposal to provide alternative testing to meet proposed HAPs rule resting requirements for *ortho*-cresol, *meta*-cresol, and *para*-cresol. EPA has reviewed the proposal and supplement ("proposal") and regrets to inform the Cresols Panel that the proposed approach is judged by the Agency to provide an inadequate basis for initiating an ECA. The Panel's proposal was judged to be inadequate in that it does not provide a sufficient basis for EPA to initiate consideration of an ECA for the cresols as an alternative to proceeding with the testing program contained in the HAPs rulemaking as proposed June 26, 1996 (61 FR 33 178) and amended December 24, 1997 (62 FR 67466) and April 21, 1998 (63 FR 19694).

As you are aware, EPA proposed testing requirements for the cresols to provide data needed by EPA to determine whether *ortho*-, *meta*-, and *para*-cresol presents an unreasonable risk of injury to human health from inhalation exposures. The data will also be used to implement several provisions of section 112 of the Clean Air Act, including determination of residual risk, estimation of the risks associated with accidental releases of the cresols, and determinations regarding whether the cresols should be removed from the Clean Air Act section 112(b)(1) list of hazardous air pollutants. In addition, the data will also be used by other Federal agencies (e.g., the Agency for Toxic Substances and Disease Registry (ATSDR), the National Institute for Occupational Safety and Health (NIOSH), the Occupational Safety and Health Administration (OSHA), and the Consumer Product Safety Commission (CPSC)) in assessing chemical risks and in taking appropriate actions within their programs. EPA believes that the regulatory assessment issues described above will require a more comprehensive data set for the cresols than is currently available or that would be provided under the Panel's proposal.

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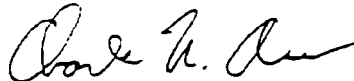


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Your proposal focuses on testing **only** the *ortho-cresol* isomer and relies on traditional thinking to defer testing for the *meta-* and *para-cresol* isomers. EPA **believes** that especially when responding **to the** Clean Air Act (CAA) and recent **concerns** about children's health, a more deliberative approach is required for testing the cresols. As indicated in the **HAPs proposal**, **this** would include testing for *ortho-*, *meta-*, and *para-cresol*. Therefore, EP.4 must seek- to obtain the resting identified in the **HAPs** proposal to provide data relevant **to** assess the cresols in light of the assessment questions described above.

Given the significant differences that exist. between the testing proposed by the Panel and that contained in the rule, I see no value in further discussion of this proposal. A copy of this letter and your proposal have been placed in the docket for the **HAPs rulemaking** (OPPTS 42187-B). **If** you have any questions please contact Richard **Leukroth** at (202)260-0321.

Sincerely,



Charles M. Auer
D i r e c t o r
Chemical Control Division

cc Richard Leukroth
 Annie Jarabek